

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.9461 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

“... to issue writ or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the fifth respondent in not granting/renewing the licence bearing No.CA/268/2008-13 as commission agent and in insisting upon fulfillment of the conditions as laid down in G.O.Ms.No.57, Agriculture & Co-operation, dt.12.10.2015 by issuing common notice dt.30.10.2015, in Rc.No.384/2015 as illegal, arbitrary, irrational and non-application of mind in violation of Art.14, 19 (1)(g) and 21 of the Constitution of India and openly run in conflict with G.O.Ms.No.64, Agri. & Co-operation Department, dt. 11.06.2013 and stultifies/derogates the operation of Sec.7(1) and 7(1-B) of A.P (A.P & L.S.) Markets Act, 1966 as amended by Act 14 of 2015 and defeats the very purport of Rule 48(5) of A.P (A.P & L.S) Markets Rules 1969 and consequently direct the respondent No.5 to grant/renew the licence of the petitioner firm bearing No.CA/268/2008-2013, for the period 2013-18, in terms of G.O.Ms.No.190, dt.6.4.1994 by enforcing G.O.Ms.No.64, Agriculture and Co-operation Department dt. 11.06.2013 and pass such other order or orders as the Court may deem fit and proper in the interests of justice.”

2. I have heard the submissions of *Sri K.Madhava Reddy*, learned counsel appearing for the petitioner and of *Sri Chintalapati Srinivas*, learned Standing Counsel for the fifth respondent-Agricultural Market Committee, Guntur.

3. Learned counsel for the petitioner and the learned Standing Counsel for the fifth respondent would submit that the issue involved in the present writ petition is squarely covered by the orders of this court, dated 02.12.2015, in W.P.No.39011 of 2015.

4. In view of the submissions and for the reasons alike, as were mentioned in the afore-stated order of this court in the above said writ petition, this writ petition is accordingly allowed and the fifth respondent is directed to consider the petitioner's application for grant of commission agent's license and pass appropriate orders without reference to G.O.Ms.No.57 Agriculture and Cooperation (AM-II) Department, dated 12.10.2015, but, by applying the norms in G.O.Ms.No.190 Agriculture and Cooperation (MKTG.I) Department, dated 06.04.1994, and communicate the decision to the petitioner within two weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed.
There shall be no order as to costs.

March 17, 2017
lmv

JUSTICE M. SEETHARAMA MURTI

